

SENATE BILL

No. 50

Introduced by Senators Dutton and Denham

February 12, 2010

An act to add Section 39601.1 to the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 50, as introduced, Dutton. State Air Resources Board: regulations: Legislative Analyst's Office: report.

(1) Existing law imposes various functions and duties on the State Air Resources Board relating to reducing emissions of air pollutants. Existing law authorizes the state board to adopt standards, rules, and regulations necessary for the proper execution of those duties.

This bill would require the state board to submit a major regulation, as defined, to the Legislative Analyst's Office, as specified. The bill would require the Legislative Analyst's Office to prepare an analysis of the major regulation, with prescribed elements, to determine the costs and benefits of the regulation and whether the regulation is technologically feasible, and to submit the analysis to the state board and the Legislature, as specified.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on January 8, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on January 8, 2010, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 39601.1 is added to the Health and Safety
2 Code, to read:
3 39601.1. (a) The state board shall submit any major regulation
4 to the Legislative Analyst's Office immediately upon the
5 completion of the state board's final staff report on the proposal.
6 (b) (1) The Legislative Analyst's Office shall prepare an
7 analysis of the major regulation proposed by the state board to
8 determine the costs and benefits of the regulation and whether the
9 regulation is technologically feasible. The Legislative Analyst's
10 Office may contract with an independent party to prepare the
11 analysis.
12 (2) The Legislative Analyst's Office shall submit the prepared
13 analysis to the state board and the Legislature within 90 days of
14 the date of receipt of the final staff report from the state board.
15 (c) The analysis shall include, but not be limited to, all of the
16 following:
17 (1) The estimated costs of compliance by the regulated
18 community with the standards in the major regulation.
19 (2) The estimated impact of the major regulation on state tax
20 revenue.
21 (3) A determination whether the pollution reduction assumptions
22 are accurate, feasible, and achievable.
23 (4) The estimated costs of alternative technologies.
24 (5) The estimated cumulative costs of all regulatory requirements
25 that become effective within the same year on the regulated
26 community.
27 (6) A determination whether the proposed adoption, amendment,
28 or repeal is technologically feasible.
29 (7) A determination whether any identified alternative
30 technologies are technologically feasible.
31 (d) The state board shall reimburse the Legislative Analyst's
32 Office for the cost to that office of the analysis. The state board
33 shall include the cost of reimbursement in the cost of developing
34 the regulation.

1 (e) As used in this section, “major regulation” means any
2 proposed adoption, amendment, or repeal of a regulation that will
3 have a total economic impact of ten million dollars (\$10,000,000)
4 or more on state government, business enterprises, or citizens, as
5 estimated by the state board.

6 SEC. 2. This act addresses the fiscal emergency declared by
7 the Governor by proclamation on January 8, 2010, pursuant to
8 subdivision (f) of Section 10 of Article IV of the California
9 Constitution.

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